IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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O R D E R

Rajasthan State Road Transport Corporation & Anr.
Vs

Bhawani Singh & Anr.

S.B. CIVIL WRIT PETITION NO.1077/1994 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 6.7.2006

PRESENT

HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr.Vivek Shrimali for Mr. Sangeet Lodha,for the petitioner.
Mr.P. Bohra, for the respondents.

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BY THE COURT: -

In the the present writ petition , the petitioner has challenged the order dated 18.9.1993 passed by the Industrial Tribunal cum Labour Court, Johdpur (hereinafter referred as 'the learned labour court), whereby the learned labour court has allowed the application under Section 33 C(2) of the Industrial Disputes Act, 1947 (hereinafter referred as the Act of 1947) filed by the respondent no.1. In the application filed under Section

33 C(2) of the Act of 1947, the respondent no.1 prayed that a sum of Rs.4980.93 paisa may be computed as difference of pay admissible to a Stores Sub-Inspector and Artisan Grade II on the ground of equal pay for equal work as the respondent no.1 has worked in the Stores of the Jodhpur Depot from 5.6.1979 to Nov., 1982. The claim of the respondent no.1 was contested by the petitioner by filing reply to the said application. It was submitted by the petitioner that the respondent no.1 never worked as a Store Sub-Inspector and he only assisted and helped the Store Sub Inspector posted in the Depot Workshop, Jodhpur and he was never given independent charge of the post of Store Sub-Inspector. It was further stated in the reply to the application that he worked in Stores of Jodhpur Depot only upto 18.4.1982 and thereafter, he was posted and transferred from the said Depot to the different places. The learned labour court by the impugned order has granted difference of emoluments of two posts in the sum of Rs.4980.93 Paisa.

Even though the learned counsel for the petitioner has argued about the maintainability of the application filed under Section 33 C(2) of the Act of 1947. In my view, however, this is not a fit case wherein this Court should exercise its writ jurisdiction. Mere fact that the matter involves payment of meager amount of Rs.4980.93 paisa and a long period of 12 years has gone since passing of the said order is sufficient

enough to dismiss the present writ petition. In the facts of this case, I do not propose to make any interference in the order passed by the learned labour court. At the same time, however, it is clarified that on account of rejection of this writ petition the findings given and observations of law made by the learned labour court should not be taken to have been approved by this Court.

In view of the above discussions, this writ petition is hereby dismissed with no order as to costs.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-